

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 1:13-md-2419-RWZ

This Document Relates to:
All Cases

**NOTICE OF ENTRY OF CONFIRMATION ORDER,
PLAN EFFECTIVE DATE AND RELATED DEADLINES**

Paul D. Moore, the Chapter 11 Trustee (the “Trustee”) for the chapter 11 estate of New England Compounding Pharmacy, Inc. (“NECC” or the “Debtor”), hereby gives notice that, on May 20, 2015 (the “Confirmation Date”) the United States Bankruptcy Court for the District of Massachusetts, Eastern Division (the “Bankruptcy Court”) entered an order, dated May 20, 2015 (the “Confirmation Order”), confirming the Third Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. (the “Plan”)¹ filed jointly by Paul D. Moore, in his capacity as Chapter 11 Trustee, and the Official Committee of Unsecured Creditors (together, the “Plan Proponents”).

A copy of the Confirmation Order is attached hereto as Exhibit “A.” Copies of the Confirmation Order and the Plan can also be obtained (i) at no charge from Donlin, Recano & Co. Inc., (the “Claims and Noticing Agent”) the claims and noticing agent, by accessing the following website: <http://www.drcdrx.com/cases/caseinfo/necp> or (iii) for a fee via PACER at <https://ecf.mab.uscourts.gov/>.

¹ Unless otherwise noted, all capitalized terms used but not otherwise defined herein have the meaning ascribed to them in the Plan.

The Plan Proponents are also providing notice of certain dates and deadlines established under the Plan and Confirmation Order:

Notice of Effective Date

Pursuant to Section 9.02 of the Plan, the Plan Effective Date shall occur on the later of: (i) the first Business Day following (a) fourteen (14) days after the Confirmation Date, provided that a court of competent jurisdiction has not entered a stay of the Confirmation Order as of such date (in which instance, the Effective Date will not occur until such stay is dissolved) or (b) only if a court of competent jurisdiction determines that the Bankruptcy Court lacks jurisdiction or authority to enter final judgment confirming all or any portion of the Plan, then thirty (30) days after entry of the Confirmation Order by the District Court, provided that a court of competent jurisdiction has not entered a stay of the Confirmation Order as of such date (in which instance, the Effective Date will not occur until such stay is dissolved); and (ii) the first Business Day on which all other conditions to the Effective Date have been satisfied or waived. A separate notice of the occurrence of the Effective Date will be served on all known holders of Claims and Interests as soon as practicable.

Deadline for Filing Administrative Expense Claims and Professional Fees

Pursuant to Section 2.02(i) of the Plan, all requests for payment of Administrative Expense Claims for which an earlier deadline has not been previously set or imposed by Local Rule 3002-1 shall be filed and served on each of the Plan Proponents no later than thirty (30) days after entry of the Confirmation Order, unless otherwise extended by order of this Court.

Pursuant to Section 2.02(ii) of the Plan, all applications by professionals retained pursuant to sections 327, 328 and 1103 of the Bankruptcy Code for allowance and payment of fees and reimbursement of expenses pursuant to section 330 of the Bankruptcy Code for final compensation for services rendered and reimbursement of expenses incurred in connection with

this Chapter 11 Case shall be filed no later than sixty (60) days after the Effective Date, unless otherwise extended by order of this Court.

**Deadline for Filing Claims Arising from Rejection of
Executory Contracts and Unexpired Leases Pursuant to the Plan**

Under the terms of Article VIII of the Plan, on the Effective Date, all executory contracts and unexpired leases to which the Debtor is or may be deemed a party, except for and other than the Tort Trust Documents, the Settlement Agreements (including the insurance policy rights assigned to the Debtor pursuant thereto) and insurance policies issued to, or insurance agreements entered into by, the Debtor prior to the Petition Date (including, without limitation, any policies covering directors' or officers' conduct), shall be deemed rejected as of the Effective Date, without the need for any further action by the Post-Confirmation Officer, except for an executory contract or unexpired lease that (i) has been assumed or rejected pursuant to Final Order of the Bankruptcy Court entered prior to the Effective Date or (ii) is the subject of a separate motion to assume or reject filed under section 365 of the Bankruptcy Code by the Debtor prior to the Effective Date.

Deadline for Class A, B or C Claimants to Submit Form W-9

No distribution shall be made to any Claimant in Class A, B or C, and the Claimant's Claim shall be disallowed without further order of the Bankruptcy Court, if such Claimant has not delivered a signed form W-9 to the Post-Confirmation Officer on or before sixty (60) days after the Effective Date, to the following address:

Paul D. Moore, Esq.
Duane Morris LLP
100 High Street, Suite 2400
Boston, MA 02110

Any proofs of claim based on the rejection of the Debtor's Executory Contracts or Unexpired Leases, pursuant to the Plan, must be filed with the Claims and Noticing Agent at Donlin, Recano & Co., Inc. P.O. Box 2053, Murray Hill Station, New York, NY 10156, and served upon the Plan Proponents on or before the date that is thirty (30) days after the Confirmation Date, at the following address:

Paul D. Moore, Esq.
Duane Morris LLP
100 High Street, Suite 2400
Boston, MA 02110

Chapter 11 Trustee

and

Michael R. Lastowski, Esq.
Duane Morris LLP
222 Delaware Avenue, Suite 1600
Wilmington, DE 19801

Counsel to the Chapter 11 Trustee

William R. Baldiga, Esq.
Kiersten A. Taylor, Esq.
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One Financial Center
Boston, MA 02111

and

David J. Molton, Esq.
Brown Rudnick LLP
7 Times Square
New York, NY 10021

*Counsel to the Official Committee of
Unsecured Creditors*

Dated: May 26, 2015
Boston, Massachusetts

DUANE MORRIS LLP

By: /s/ Michael R. Gottfried
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Counsel to the Chapter 11 Trustee

Certificate of Service

I, Michael R. Gottfried, hereby certify that on this day, May 26, 2015, I caused a copy of the foregoing document, which was filed using this Court's ECF system, to be served electronically upon those parties registered to receive ECF service.

/s/ Michael R. Gottfried
Michael R. Gottfried